

WAIVER OF CLAIMS RESULTING FROM COLLISIONS BETWEEN VESSELS OF WAR

Exchange of notes at Washington May 25 and 26, 1943

Entered into force May 26, 1943

*Article I interpreted by agreement of September 3 and November 11,
1943*¹

*Terminated by agreement of September 28 and November 13 and
15, 1946*²

57 Stat. 1021; Executive Agreement Series 330

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE

WASHINGTON

May 25, 1943

SIR:

With reference to recent communications between the Government of the United States of America and the Government of Canada in relation to the making of an agreement between the two Governments providing that each Government shall bear the cost of damages to its own vessels arising from collisions between United States warships and ships of the Royal Canadian Navy, I have the honor to inform you that the Government of the United States of America, with a view to facilitating the conduct of the war, is prepared to give effect to an agreement in the following terms:

ARTICLE I

The Government of the United States of America and the Government of Canada agree that when a vessel of war of either Government shall collide with a vessel of war of the other Government, resulting in damage to either or both of such vessels, each Government shall bear all the expenses which arise directly or indirectly from the damage to its own vessel, and neither Government shall make any claim against the other Government on account of such damage or expenses.

¹ EAS 366, *post*, p. 335.

² TIAS 1582, *post*, p. 422.

ARTICLE II

This Agreement shall apply in respect of claims arising since December 7, 1941, but remaining unsettled on the day this Agreement enters into force, as well as in respect of claims arising on or after such day and during the period in which the Agreement shall remain in force.

ARTICLE III

This Agreement shall remain in force until the expiration of six months from the day on which either Government shall have given to the other Government notice in writing of an intention to terminate the Agreement.

I have the honor to inform you that if an Agreement in accordance with the foregoing terms is acceptable to the Government of Canada, the agreement shall be considered by the Government of the United States of America to have been concluded and to be in effect as of the date of a corresponding note from you indicating that the Government of Canada is prepared to give effect to the Agreement.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

LEIGHTON MCCARTHY, K.C.,
Minister of Canada.

The Canadian Minister to the Secretary of State

CANADIAN LEGATION

WASHINGTON

May 26, 1943

No. 276

SIR:

I have the honour to refer to your note of May 25, 1943, proposing an agreement which the Government of the United States is prepared to make with the Government of Canada for the waiver of claims arising as a result of collisions between ships of the Royal Canadian Navy and United States warships.

Under instructions from my Government I have the honour to inform you in reply that the Canadian Government undertakes to give effect to the agreement set forth in your note and understands that the agreement will come into force as of the date of this note; namely, May 26, 1943.

Accept, Sir, the renewed assurances of my highest consideration.

LEIGHTON MCCARTHY

The Honourable CORDELL HULL,

*Secretary of State of the United States,
Washington, D.C.*